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Attorneys for Defendant  
TESLA INC.

[additional counsel listed in signature block]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ZACHERY WILLIAMS and MICHAEL MA,  
on behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

TESLA, INC. and DOES 1 through 10,  
inclusive,

Defendants.

Case No. 4:20-cv-08208-HSG

**STIPULATION AND [PROPOSED] ORDER  
TO STAY PLAINTIFF ZACHERY  
WILLIAMS' CLAIMS AND TO CONTINUE  
THE CASE MANAGEMENT  
CONFERENCE**

1 IT IS HEREBY STIPULATED by and between Plaintiffs Zachery Williams and Michael Ma  
2 (“Plaintiffs”) and Defendant Tesla Inc. (“Tesla”) (collectively, the “Parties”), by and through their  
3 respective counsel of record, that:

4 WHEREAS, on November 20, 2020, Plaintiffs filed their complaint (Dkt. 1);

5 WHEREAS, on November 25, 2020, Plaintiffs filed their Amended Complaint (Dkt. 7);

6 WHEREAS, on February 25, 2021, the Court ordered the parties’ stipulation setting Tesla’s  
7 current deadline to respond to the Amended Complaint as March 31, 2021 and setting the Case  
8 Management Conference for April 6, 2021 (Dkt 30);

9 WHEREAS, the parties have engaged in substantive and productive discussions about  
10 Plaintiffs’ claims and continue to engage in those discussions;

11 WHEREAS, as the parties have discussed on several occasions, Tesla intends on filing a  
12 motion to dismiss Plaintiff Ma’s claims and a motion to compel Plaintiff Williams’ claims to  
13 arbitration;

14 WHEREAS, after meeting and conferring, the parties stipulate and agree that it would  
15 conserve judicial and party resources and promote efficiency if the Court stays Plaintiff Williams’  
16 claims until after it issues its order on Tesla’s motion to dismiss Plaintiff Ma’s claims. The parties  
17 agree that the Court’s ruling on Tesla’s motion to dismiss Plaintiff Ma’s claims may impact whether  
18 Tesla’s motion to compel Plaintiffs Williams’ claims to arbitration needs to be presented to the  
19 Court;

20 WHEREAS, the parties further stipulate and agree, that after disposition of Tesla’s motion to  
21 dismiss Ma’s claims, the parties will meet and confer about whether Tesla’s motion to compel  
22 Plaintiffs’ Williams’ claims to arbitration needs to be presented to the Court;

23 WHEREAS, if Tesla files its motion to compel arbitration and that motion is denied, Tesla  
24 agrees it will not file a motion to dismiss Williams’ claims. If Tesla believes there is a basis to  
25 challenge Williams’ pleading that were not addressed by the Court’s ruling on Tesla’s motion to  
26 dismiss Plaintiff Ma’s claims, Tesla will file a motion for judgment on the pleadings within the time  
27 limits permitted by the Federal Rules;

1 WHEREAS, nothing in this stipulation shall prevent the parties from pursuing their appellate  
2 rights, if any, to challenge the Court's ruling on Tesla's motion to compel arbitration;

3 WHEREAS, the parties further stipulate and agree, that it would also conserve judicial and  
4 party resources and promote judicial efficiency if the Court continues the Case Management  
5 Conference currently scheduled for April 6, 2021 to July 8, 2021 (approximately 30 days after the  
6 hearing on Tesla's motion to dismiss Plaintiff Ma's claims);

7 THEREFORE, the Parties respectfully request the Court to order that:

8 (1) Plaintiff Williams' claims are stayed until after the Court issues its order on Tesla's  
9 motion to dismiss Plaintiff Ma's claims;

10 (2) Within fourteen days of the Court issuing its order on Tesla's motion to dismiss Plaintiff  
11 Ma's claims, the parties will file a joint report informing the Court whether they believe  
12 Tesla's motion to compel Williams' claims to arbitration needs to be presented to the  
13 Court, and if the parties believe Tesla's motion to compel Plaintiff Williams' claims to  
14 arbitration needs to be presented to the Court, the parties will submit a requested briefing  
15 and hearing schedule to the Court; and

16 (3) The Case Management Conference is continued to July 8, 2021.

17 IT IS SO STIPULATED.

18  
19 Dated: March 25, 2021

Respectfully submitted  
McCUNE WRIGHT AREVALO, LLP

20  
21 By: /s/ David C. Wright  
Mark I. Richards  
Steven A. Haskins  
David C. Wright

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23 Attorneys for Plaintiffs  
24 ZACHERY WILLIAMS and MICHAEL MA  
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1 Dated: March 25, 2021

SHOOK HARDY & BACON L.L.P.

2 By: /s/ Amir Nassihi  
3 Amir Nassihi  
4 Michael L. Mallow  
5 Rachel A. Straus  
6 Nalani Crisologo

7 Attorneys for Defendant  
8 TESLA, INC.

9 Pursuant to L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has been  
10 obtained from the other signatories.

11 By: /s/ Amir Nassihi  
12 Amir Nassihi  
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**[PROPOSED] ORDER**

Having considered the parties' stipulation, and good cause showing, the Court hereby orders the following:

IT IS SO ORDERED.

- (1) Plaintiff Williams' claims are stayed until after the Court issues its order on Tesla's motion to dismiss Plaintiff Ma's claims;
- (2) Within fourteen days of the Court issuing its order on Tesla's motion to dismiss Plaintiff Ma's claims, the parties shall file a joint report informing the Court whether they believe Tesla's motion to compel Williams' claims to arbitration needs to be presented to the Court, and if the parties believe Tesla's motion to compel Plaintiff Williams' claims to arbitration needs to be presented to the Court, suggesting a briefing and hearing schedule for the motion; and
- (3) The Case Management Conference is continued to July 8, 2021.

Dated: \_\_\_\_\_

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HONORABLE HAYWOOD S. GILLIAM JR.  
U.S. DISTRICT COURT JUDGE